

**REMARKS**

Applicants have amended claims 1, 7, and 13 and have added new claims 22-24 for the reasons set forth below. Applicants note with appreciation the Office's indication that claims 4-6, 10-12 and 16-18 would be allowable if rewritten in independent form. In view of the foregoing remarks, Applicants hereby request further examination and reconsideration of the application, and allowance of claims 1-24.

The Office has rejected claims 1, 2, 7, 8, 13, 14 and 19-21 under 35 U.S.C. 102(e) as anticipated by US Patent 6,329,935 to Stephen (Stephen), and has rejected claims 3, 9 and 15 under 35 U.S.C. 103(a) as being unpatentable over Stephen in view of US Patent 4,441,184 to Sonoda et al (Sonoda). Specifically, the Office asserts Stephen discloses data words interleaved so that the data words are separated by a first number of data blocks on the outputted data stream in FIG. 2A. The Office asserts that the input data stream 210 in Stephen shows the data in consecutive blocks and when interleaving occurs the output data stream 240 shows the data in non-consecutive blocks. In addition, the Office asserts that the blocks are separated by a number of data blocks which is adjusted between each pair of blocks. For instance, the Office asserts that the first pair of blocks (3,7) is separated by 4 blocks, the number is adjusted for the next pair (7, 1) to 5 blocks, and for the pair (10, 11), the number is adjusted to zero blocks. The Office asserts that the data is only interleaved once as shown in output data stream 240. The Office acknowledges that Stephen does not disclose interpolating the recovered data for errors, but asserts Sonoda discloses an interpolation stage for compensating uncorrectable erroneous data words at column 3, lines 13-20.

Neither Stephen nor Sonoda, alone or in combination, suggest or disclose "originally adjacent elements in the source sequence are separated by at least a second number of elements in the interleaved sequence, wherein . . . the second number is at least one" as recited in claims 1, 7, and 13. The Office's attention is respectfully directed to FIG. 2A and col. 3, lines 40-41 and 60 61 in Stephen, which illustrate and disclose that the originally adjacent bits 10 and 11 in the input data stream remain adjacent to each other in the output data stream 240 and not separated by at least one bit. Additionally, in FIG. 2A in Stephen the originally adjacent bits 1 and 2, 3 and 4, 5 and 6, 7 and 8, and 10 and 11 remain adjacent to each other in the grouping 220 and not separated by at least one bit. Further, in FIG. 2A in Stephen the bits 10 and 11 in the grouping 220 remain adjacent to each other in the output data stream 240 and not separated by at least one bit. Also the words 221, 222,

223, and 224 in the grouping 220 remain adjacent to each other in the output data stream 240 and not separated by at least one word. Like Stephen, Sonoda also does not teach or suggest the invention as claimed.

As disclosed on page 6, line 23 to page 7, line 7 of the above-identified patent application, if the source sequence is not interleaved prior to transmission, then the loss of sequential packets would result in the loss of a large amount of contiguous data. With the present invention, the source sequence is interleaved prior to transmission so that the loss of sequential packets of data leads to smaller, dispersed errors which can be more easily masked. Accordingly, in view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the rejections of claims 1, 7 and 13. Since claims 2-6 and 19 depend from and contain the limitations of claim 1, claims 8-12 and 20 depend from and contain the limitations of claim 7, and claims 14-18 and 21 depend from and contain the limitations of claim 13, they are distinguishable over the cited references and are patentable in the same manner as claims 1, 7 and 13.

Applicants have also added new dependent claims 22-24. None of the cited references, alone or in combination, are believed to disclose or suggest, "wherein the first number is adjustable before the interleaving and is fixed during the interleaving" as recited in claims 22-24. Accordingly, dependent claims 22-24 are believed to be in condition for allowance and a notice to that effect is respectfully requested.

In view of all of the foregoing, Applicants submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: September 27, 2004

Gunnar Leinberg  
Gunnar G. Leinberg  
Registration No. 35,584

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (585) 263-1014  
Facsimile: (585) 263-1600

**Certificate of Mailing - 37 CFR 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents P.O. Box 1450  
Alexandria, VA 22313-1450, on the date below.

9/27/04  
Date

*Sherri A. Moscato*  
Sherri A. Moscato